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THE PARLIAMENT OF THE COMMONWEALTH OF AUSTRALIA

HOUSE OF REPRESENTATIVES

MARITIME LEGISLATION AMENDMENT BILL 2007

EXPLANATORY MEMORANDUM

(Circulated by Authority of the Parliamentary Secretary to the Minister for Transport
and Regional Services, the Honourable De-Anne Kelly MP)

MARITIME LEGISLATION AMENDMENT BILL 2007

OUTLINE

The Maritime Legislation Amendment Bill 2007 (the Bill) facilitates the integration of the Australian Maritime College (the AMC) with the University of Tasmania and amends the *Australian Maritime Safety Authority Act 1991* (the AMSA Act) to clarify the Australian Maritime Safety Authority's (AMSA's) authority to release information.

The Bill repeals the *Maritime College Act 1978* (the AMC Act), transfers all AMC assets and liabilities to the University and provides a set of transitional provisions to ensure continuity of AMC's ongoing operations within the University structure going into the future.

The transitional provisions contain funding conditions for a period of five years that the University must comply with in order to access certain Australian Government funding provided under the *Higher Education Support Act 2003*, and establish a mechanism to assess compliance involving the Minister for Transport and Regional Services. These provisions are intended to ensure that the AMC continues to play a significant role as a national provider of maritime training and education following the integration. The Bill requires the Minister to conduct review of the integration before the end of five years.

The Bill also amends the AMSA Act by inserting a new Section 11 in the Act to clarify AMSA's powers in relation to sharing of information for the specific purposes of maritime domain awareness (including maritime security), maritime safety, protection of the marine environment and efficiency of maritime transportation. This information includes data from a new international long range identification and tracking system for ships, which comes into force on 1 January 2008. AMSA has been tasked to receive information from the new system on behalf of Australia for distribution to other government agencies through the Australian Maritime Identification System (AMIS). AMSA receives vessel movement information from other sources, which also is to be fed into AMIS for distribution to other Government agencies, including security, intelligence, police, customs, immigration, environment, transport and fisheries agencies, to improve whole of government maritime domain awareness. There is currently no specific legal authority for AMSA to share information gathered for its purposes with other parties.

The information authorised to be released by the Bill will extend to States and Territories, port authorities and coastal pilot service providers, who could use AMSA's information to improve navigation safety, environment protection and transport efficiency, including such areas as improved vessel traffic management, port infrastructure planning and operations. The information will be released only for the purposes specified in the Bill.

FINANCIAL IMPACT STATEMENT

There are no direct resource implications from the Bill. The 2007-08 Budget includes a figure of \$61.4m representing the consolidated net assets that will be gifted to the University as a result of the integration. There is no direct financial impact from amending the AMSA Act.

MARITIME LEGISLATION AMENDMENT BILL 2007

NOTES ON CLAUSES

Clause 1: Short title

1. This clause is a formal provision that provides for the Bill, when enacted, to be cited as the *Maritime Legislation Amendment Act 2007*.

Clause 2: Commencement

- 2.1 Clause 2 provides for the commencement of the provisions of the Bill.
- 2.2 This clause provides that all provisions of the Act commences on the day on which it receives the Royal Assent, apart from Schedule 1 which is to commence on day to be fixed by proclamation; the latest date for such a proclamation is 1 January 2009. It is envisaged that the commencement date for Schedule 1 shall be 1 January 2008.
- 2.3 This commencement by proclamation provision allows the Government to ensure that Schedule will not come into force before the Government-General has made a proclamation following advice from the Government that all details, including an agreement on use and disposal of AMC land assets, have been finalised. Prior to proclamation it will also be necessary for an instrument to be created by the University establishing the Australian Maritime College as an institute within the University and meeting the requirements of Condition 1.1 under Item 16 of Schedule 1.
- 2.4 The Bill allows a relatively late proclamation date for Schedule 1 provisions to allow for the possibility that the integration related provisions will not come into force on 1 January 2008, in which case the integration would be possible by 1 January 2009. These dates reflect the calendar year basis on which academic institutions operate.

Clause 3: Schedule(s)

- 3.1 By virtue of this clause, the provisions of the Act specified in a Schedule are amended or repealed as set out in the applicable items in the Schedule concerned and any other item in a Schedule has effect according to its terms.

SCHEDULE 1 INTEGRATION OF THE AUSTRALIAN MARITIME COLLEGE WITH THE UNIVERSITY OF TASMANIA.

Schedule 1 repeals the *Maritime College Act 1978* (AMC Act) and provides the transitional provisions related to the integration of the Australian Maritime College (AMC) with the University of Tasmania (the University).

Schedule 1 has 5 parts. Part 1 contains the preliminary section providing the definitions of the terms used in this Schedule. Part 2 is single provision repealing the *Maritime College Act 1978* (the AMC Act) while Part 3 deals with other general transitional provisions related to the integration. Part 4 contains the transitional provisions dealing with the new institute set up within the University. Part 5 contains consequential amendments to other Acts as a result of the integration.

Part 1 Preliminary

Part 1 has one item, Item 1, providing definitions of terms used in Schedule 1.

Item 1 Definitions

1.0 Item 1 of this Schedule defines twenty three relevant terms used in Schedule 1 of the Bill. The definitions are self explanatory and are provided to add clarity to the meaning of the terms used in this Schedule.

1.1 The terms which have been defined are:

acquisition of property
AMC institute
AMC institute funding
asset
asset official
Board
College
Education Minister
financial assets
Heads of Agreement
initial post integration period
instrument
integration time
just terms
land
land registration official
liability
members
old law
post-integration year
Principal
University
University funding
University funding agreement

Part 2 Repeal of the *Maritime College Act 1978* (AMC Act)

The AMC Act is the principal Australian Government legislation dealing with the role and function of the AMC, the constitution of the Council of the AMC, and the role, responsibilities and powers of its members. Part 2 of Schedule 1 deals with the AMC Act, and it has a single item.

Item 2 Repeal of the Maritime College Act 1978

2.0 Item 2 of the Bill repeals the whole of the AMC Act.

This item repeals the AMC Act to facilitate integration of the AMC with the University. Integration will make the AMC an institute within the University and is conditional on the AMC ceasing to be an independent institute governed by an Australian Government Act. The repeal of the AMC Act facilitates incorporation of the AMC within the University structure.

Part 3 General Transitional Provisions

Part 3 of the Bill contains general transitional provisions necessary to facilitate the integration of the AMC with the University, consistent with the approach agreed by the AMC, the University and the Australian Government. These transitional provisions flow from the decision to repeal the AMC Act and integrate the AMC with the University. These provisions deal with assets of the AMC, its current and future liabilities and obligations, and give effect to the agreement between the AMC, the University and the Australian Government

DIVISION 1 - ASSETS, LIABILITIES AND LEGAL PROCEEDINGS

Division 1 contains the mechanical provisions dealing with the transfer of AMC's assets to the University following the integration. This part also contains the provisions dealing with current and future liabilities of the AMC. These provisions give effect to the terms agreed between the AMC, the University and the Australian Government.

Item 3 Vesting of Assets of College

3.0 Consistent with the agreed approach to integrate the AMC with the University, this item transfers all current assets held by the AMC at the time of the integration to the University. The University becomes the successor in law in relation to these assets.

Item 4 Vesting of liabilities of College

4.0 Consistent with the approach to the integration agreed by the AMC, the University and the Australian Government, this provision transfers all liabilities, as defined by Item 1, of the AMC at the time of integration to the University. This provision makes the University the successor in law of the AMC in relation to these liabilities.

Item 5 Certificates relating to vesting of land

5.0 This is a standard provision dealing with the mechanism to vest land assets. This item applies if vesting of land assets of the AMC to the University is done by lodging a certificate signed by the Minister that identifies the land and states that the land has been vested to the University. Subsection 5(2) provides that the land registration official, as defined in Item 1, may give effect to the certificate and register the land in the way land assets are usually registered in the jurisdiction.

Item 6 Certificates relating to vesting of assets other than land

6.0 This item is similar to Item 5 in application and deals with the mechanism to vest assets other than land assets. Item 6 applies if such vesting of AMC assets is done by lodging a certificate signed by the Minister that identifies the asset and states that the asset has been vested to the University. Subsection 6(2) provides that the assets official, as defined in Item 1, may give effect to the certificates and take necessary action to give effect to the vesting of the assets.

Item 7 Substitution of University as a party to pending proceedings

7.0 As a consequence of repeal of the AMC Act the AMC will cease to exist as an independent legal entity. This provision clarifies that the AMC will be substituted by the University in all pending legal proceedings before any court or tribunal from the time of integration. The University has agreed to this arrangement. This provision will ensure that the Australian Government will not become a party by default to any legal proceedings to which the AMC was a party immediately before the integration.

Items 8 Transfer of custody of College records

8.0 This is a standard provision dealing with records held by a Commonwealth entity when such an entity ceases to be a Commonwealth entity.

8.1 The AMC is currently a Commonwealth entity within the meaning of the *Commonwealth Authorities and Companies Act (1997)* (CAC Act) and the *Archives Act 1983* (AA) provide that records which are currently held by the AMC are Commonwealth records. Subitem 8.1 provides that the subitem 8(2), dealing with transfer of records and documents held by the AMC, applies to any record or document that was held by the AMC at the time of the integration.

8.2 Subitem 8(2) provides that all records and documents under custody of the AMC at the time of integration will be transferred to the Commonwealth. Considering that the University may want access to essential records, the Minister may direct the transfer of relevant records, subject to the National Archives' agreement, at a later time.

8.3 Subitem 8(3) provides that accounting records transferred to the Commonwealth will be kept for seven years by the Commonwealth after the integration. This provision mirrors subsection 20(2) of the CAC Act which requires a CAC Act body to keep the records for seven years. This will allow access to the records by past members of the Council in case of legal proceedings.

8.4 Subsection 27L(2) of the CAC Act gives the right of access to a person who has ceased to be a director of a Commonwealth entity to the records, financial statements and documents for seven years for the purposes of legal proceedings. Subsection 8(4) ensures that the former members of the AMC Council will have access to the records consistent with the CAC Act provision after the records have been transferred to the Commonwealth.

DIVISION 2 – REFERENCE TO, AND THINGS DONE BY OR IN RELATION TO, THE COLLEGE

This division contains a number of provisions arising consequential to the repeal of the AMC Act and the integration of the College with the University. The Division 2 provisions deal with the mechanism to address AMC's current and future obligation arising from the operation of laws or from contracts or other form of legally binding agreements.

Item 9 References in instruments

9.0 Item 9 deals with instruments, as defined in Item 1 of this Schedule, and clarifies how to address the situation when the AMC is mentioned in an instrument after the integration of the College with the University. Generally Item 9 provides that the University is to substitute the AMC when there is a reference to the AMC in an instrument.

9.1 Subitem 9(1) substitutes the AMC with the University if any instrument is in force immediately before the integration time and that instrument contains a reference to the College.

9.2 Similarly subitems 9(2) and 9(3) provide that if there is any instrument in force at the time of integration containing a reference to a member of the staff of the College, or a student of the College, that instrument would remain in effect from the date of integration as if the references were to a member of the staff of the University or a student of the University.

9.3 The Heads of Agreement negotiated between the University and the AMC negotiated in October 2006 concerning the integration is specifically excluded from this provision.

9.4 Subitem 9(4) is a provision that recognises that there may be situations in which it will be inappropriate to substitute the AMC with the University in an instrument, when it refers to the College, or a member of the College's staff or a student. Subitem 9(4) gives the Minister the power to make a determination in writing in respect of a specified reference in an instrument so that subitems 9(1), 9(2) and 9(3) would not operate in respect of that particular reference. Although subitem 9(4) will apply to, for example, contracts and thus affect individual rights, the scope of power is very limited. The Minister can only rule that the items do not apply. More substantial changes can only be done through regulations.

9.5 Subitem 9(5) is linked to subitem 9(4) and provides that regulations, made under Item 14 of this Part, may specifically substitute any other person or body in a reference instead of the University, or a staff or student of the University, when a determination has been made by the Minister in accordance with subitem 9(4).

9.6 Item 9(6) is included to assist the reader by clarifying that determinations are not legislative instruments within the meaning of section 5 of the *Legislative Instruments Act 2003* (LIA).

Item 10 Operation of laws

10.0 Subitem 10(1) relates to things done by, or in relation to, the AMC before the integration date. It provides that for the purpose of operation of laws of the Commonwealth after integration, those things will be taken to have done by, or in relation to the University. This provision clearly identifies where the obligations or benefits would generally be placed after the integration. This provision is consistent with the terms of agreement between the College, the University and the Australian Government.

10.1 Recognising that it may not be appropriate to transfer all obligations or benefits to the University given the wide remit of the term ‘anything done by or in relation to the AMC’, subitem 10(2) introduces flexibility by empowering the Minister to make written directions if subitem 10(1) is not to apply to a specified thing done by, or in relation to, the AMC. As in subitem 9(4), the scope of power is very limited, the Minister can only rule that the items do not apply. More substantial changes can only be done through regulations.

10.2 Subitem 10(3) provides that regulations, made under Item 14 of this Part, may provide a specified thing for which the Minister has made a direction under subitem 10(2), to be taken to have been done by, or in relation to a specified person or body other than the university. This is a provision intended to cover the potential situation that a simple determination may often may not enough and a person or body may need to be specified.

10.3 Subitem 10(4) is an explanatory provision clarifying that, for the purpose of this item, doing a thing includes making an instrument, as defined in Item 1.

10.4 Subitem 10(5) is included to assist the reader, by clarifying that a determination is not a legislative instrument within the meaning of the section 5 of the LIA.

Item 11 Financial statements and reporting requirements

11.0 The AMC will cease to exist as an independent entity when the Act comes into force. Depending on the date of integration, there are likely to be outstanding obligations, particularly in regard of preparation and submission of report and financial statements required under the CAC Act. Item 11 provides the mechanism through which these obligations will be met.

11.1 Subitem 11(1) covers the situation where reports (including financial statements) were due by law for a period ending on a date after the integration. Subitem 11(1) makes the Board of the AMC institute, as defined by item 1, responsible for providing the report covering the part of the reporting period prior to integration.

11.2 Subitem 11(2) covers the situation when the AMC was required to provide a report (including a financial statement) by law for a period that ended prior to the integration but had not been provided. Subitem 11(2) requires the AMC Board to provide the report as required by law.

11.3 Subitem 11(3) clarifies that reporting obligations under a law remain unchanged and the Board will have to provide all reports that the College would have provided.

DIVISION 3 MISCELLANEOUS

Division 3 of Part 3 of Schedule 1 has three miscellaneous items relevant to Part 3.

Item 12 Exemption from stamp duty and other State or Territory taxes

The Act repeals the AMC Act and transfers AMC's assets and liabilities to the University, which is a Tasmanian entity. Item 12 expressly exempts the Commonwealth from any such duties and taxes arising from the operation of any State or Territory laws, which in this context mainly relates to Tasmanian laws.

Item 13 Certificates taken to be Authentic

13.0 Item 13 is a declaratory provision mainly related to Items 5 and 6 of this Part. This item declares the principle that a certificate issued under this part is to be treated *prima facie* as an authentic certificate given properly unless proven otherwise.

Item 14 Regulations

14.0 Item 14 is a general provision keeping open the scope to make regulations in relation to provisions of this part. The regulation making power conferred to the Governor-General is wide. Subitem 14(1) confers the power to make regulations that prescribe matters required or permitted by Part 3, or matters necessary or convenient to be prescribed for carrying out or giving effect to the provisions. Subitem 14(2) expressly provides that, in particular, regulations may be made prescribing matters of a transitional nature that are required as a consequence of the repeal of the AMC Act.

Part 4 Transitional provisions relating to the AMC institute

Part 4 contains the transitional provisions necessary to facilitate the transfer of the AMC to the University consistent with the approach agreed between the AMC, the University and the Australian Government. These provisions are designed to ensure delivery of the benefits intended to accrue from integration while safeguarding the Commonwealth's interests, by ensuring that the AMC remains Australia's national institution for maritime education, training and research. The transitional provisions contain funding conditions that the University must comply with in order to access certain Australian Government

funding provided under the *Higher Education Support Act 2003* (HESA), and the mechanism to assess compliance involving the Minister for Transport and Regional Services. These provisions are intended to ensure that the AMC continues to play a significant role as a provider of maritime training and education following the integration. In addition to the funding conditions specified in the Bill, future National Institutes funding provided under HESA to the University in respect of the AMC will be required to be utilised by the AMC.

Item 15 AMC institute funding

15.0 Item 15 identifies the funding element that would be tied to conditions related to the integration through the University funding agreement. This funding element is defined as ‘AMC institute funding’.

15.1 The definition of “AMC institute funding’ is tied to the University funding agreement (defined in Item 1) that would govern Australian Government funding to the University for a period of a year or more under section 30-25 of the HESA during the first five year period.

15.2 Total Australian Government funding to the University is from a number of different programmes and not all are amenable to specific funding conditions. The conditions will apply to Commonwealth Grant Scheme (CGS) funding under HESA, which is provided annually to the University under HESA. The Bill itself does not provide the quantum of CGS funding that would be subject to the conditions in Part 4. This will be specified in the on-going University funding agreements between the University and the Department of Education, Science and Training.

15.3 Subitem 15(1) provides that the University funding agreement for a year following integration (in the first five year period) must specify a portion or a method to calculate the portion of the University funding for the year that would be the AMC institute funding. Subitem 15(2) provides that the portion so specified would be AMC institute funding for the year as defined under the Act. The specific conditions in Items 16 and 17 relate only to the portion of fund defined as “AMC institute funding”.

Item 16 Review of Integration after 3 months

16.0 Item 16 provides the mechanism and the details of the one-off review process to be conducted by the Minister for Transport and Regional Services within 28 days following the initial three month period following the integration.

16.1 Subitem 16(1) clarifies that AMC institute funding for the University under HESA, for the first 5 year period, will be subject to satisfactory assessment and certification by the Minister for Transport and Regional Services. This will ensure that integration is implemented according to the agreement between the AMC, the University and the Australian Government and that the University has done the things necessary to incorporate the AMC into its structure.

The Note in subitem 16(1) clarifies that the Minister for Education, who has the necessary powers under HESA, may require the University to repay AMC institute funding if the assessment of the Minister for Transport is unsatisfactory.

16.2 Subitem 16(2) provides the mechanism and detail for the one-off review process, to be conducted by the Minister. It provides a table of conditions which must be met for a smooth integration. Subitem 16(2) also provides that the Minister must assess whether the University has complied with these conditions and provide a certificate to this effect within 28 days following the initial three month post-integration period.

Item 16, in effect, gives the University 3 months to ensure that it complies with the outlined set of conditions and has set up an institute, namely the Australian Maritime College, in accordance with the Head of Agreement (HOA) between the University and the AMC. This will ensure that the institute will have a well defined role as a provider of maritime training, education and research within the University, with its own Board with delegated authority and sufficient autonomy, and a Principal.

16.3 The conditions against which the University will be assessed are given in the table in 16.2. By referencing the HOA concerning the integration negotiated between the University and the College in October 2006, these conditions are designed to ensure that at integration no AMC student or staff member will be disadvantaged. In particular, there will be no involuntary redundancies of employees of AMC as a direct result of integration. The assessment will also confirm that the AMC institute continues to have priority access to all land and other assets originally belonging to the AMC, and that the University has not disposed of any such asset during the initial post-integration period.

Item 17 Annual Review of integration during first 5 years

17.0 In addition to the initial review conducted immediately following integration, Item 17 provides for an annual review of integration arrangements over the first 5 years of post integration operation. Item 17 provides funding conditions, which have been agreed to by the University, and a mechanism of annual assessment to ensure that the University has complied with these conditions to ensure that the AMC institute can continue to operate effectively as a provider of maritime training and education. The objective is to safeguard ongoing operations of the AMC following integration.

17.1 Subitem 17(1) clarifies that AMC institute funding for the University under the University funding agreement for each post-integration year will be subject to satisfactory assessment and certification by the Minister. The Note in subitem 17(1) clarifies that the Minister for Education, who has the necessary powers under HESA, may require the University to repay AMC institute funding if the assessment by the Minister for Transport is unsatisfactory.

17.2 Subitem 17 (2) contains the list of conditions designed to ensure that the AMC continues to operate as a leading provider of maritime training, education and research. Subitem 17(2) provides, as in Subitem 16(2), that the Minister for Transport must assess whether the University has complied with all conditions and provide a certificate to this effect within 60 days following each post-integration year.

17.3 Subitem 17(2) gives the Minister 60 days after the end of a post-integration year to assess and certify that the University has complied with the conditions in subitem 17(2). The conditions against which the assessment will be made are given in the table and it is likely that the assessment will involve a simple checklist. Although it is envisaged that the University will make suitable Ordinances to give effect to the conditions, the Bill leaves the option open for the University to decide the mechanism for meeting the conditions.

17.4 Table item 1.1 again refers to the HOA and requires the University to demonstrate that there remains an institute within the University, named the Australian Maritime College set up in accord with the HOA, with its own Principal and Board and that the institute is primarily engaged in maritime training, education and research.

17.5 Table items 2.1 and 2.2 provide the details in relation to how the AMC institute Board is to be constituted. The objective is to ensure that the AMC institute has a Board that is reasonably independent and is capable of giving strategic leadership to a maritime training institute operating within the higher education environment.

17.6 Table item 3.1 provides the reporting requirement for the AMC institute Board to the Minister before the end of each year, the format of the report having been agreed within six months of integration.

17.7 Table item 3.2 sets the condition related to the annual reporting requirements. These are similar to AMC's current reporting requirements under section 32A of the AMC Act. The reports will allow the Minister to assess against the agreed performance standards and to assess whether the AMC institute has maintained its maritime focus and capability.

17.8 Table item 3.3 provides that it is a condition that the Minister is satisfied with the report.

17.9 Table item 4.1 provides for the AMC institute to have priority access to land or other assets that originally belonged to the AMC and which have not been disposed off during the year. This is to address the risk that the University may marginalise the AMC institute after integration by using AMC land and other assets for other purposes.

17.10 Table item 5.1 provides the conditions to be met if any land or other assets is disposed off during the year. In addition to requiring that the University consult the Board before any disposal, it also envisages an agreement between the University and the Australian Government in relation to land or other assets which will have to be complied with. This condition will ensure that the University does not unilaterally sell land or other assets originally belonging to the AMC.

17.11 Table item 6.1 sets the condition that the University must notify the Minister at least 12 months before any significant reduction of the operations of the AMC institute.

Item 18 Review of Integration

18.0 Item 18 is a review provision requiring the Minister to cause a review between 4 year 6 months and 5 years of integration in a manner and form determined by the Minister and following consultation with the University.

18.1 Item 18 also requires a report to be provided to the Minister by the person undertaking the review and the Minister to table the report within 15 sitting days of receiving it in each House of the Parliament. Following this review the Minister will consider whether it is necessary to impose special conditions on the University for any further period; if it does so, they will be implemented through the ongoing funding agreement between the University and the Department of Education, Science and Training.

Item 19 Delegation by Minister

19.0 Item 19 is a standard provision giving the Minister the powers to delegate all or any part of his or her function or powers under the Part 4 of this Act to the Secretary of the Department of Transport and Regional Services, an SES employee of the Department, or an acting SES employee.

19.1 Item 19(2) provides that in performing a delegated function, written Ministerial directions must be followed.

Part 5 Consequential amendments

Schedule 2 contains amendments arising consequential to the repeal of the *Maritime College Act 1978*, to:

- the *Higher Education Support Act 2003*;
- the *Legislative Instruments Act 2003*;
- the *Public Works Committee Act*; and
- the *Remuneration Tribunal Act 1973*.

These are all technical amendments to the text, repealing relevant provisions referring to AMC in the above Acts.

Higher Education Support Act 2003 (HESA)

Item 20 Subsection 16-15(1)

20.1 HESA replaces *Higher Education Funding Act 1998* as the new legislation dealing with funding of Australian Universities. HESA came into force in 2005.

20.2 Item 20 of Schedule 2 of the Bill amends the HESA. The amendment is a technical amendment to the text repealing a table item referring to the Australian Maritime College in subsection 16-15(1) of HESA. This is a consequential amendment arising from the repeal of the AMC Act.

Legislative Instruments Act 2003 (the LIA)

The LIA establishes a comprehensive regime for the registration, tabling, scrutiny and sunset of Commonwealth legislative instruments. The Act commenced on 1 January 2005.

Item 21 Subsection 44(2)

21.1 Item 21 of Schedule 2 of the Bill amends the LIA. The amendment is a technical amendment to repeal a table item from section 44 of the LIA which refers to statutes made under the *Maritime College Act 1978*. This is an amendment arising from repeal of the *Maritime College Act 1978*.

Item 22 Subsection 54(2)

22.1 Item 22 of Schedule 2 of the Bill repeals Table Item 23 in section 54(2) of the LIA which refers to statutes made under the *Maritime College Act 1978*.

Public Works Committee Act 1969 (PWCA)

23.0 The PWCA sets out the constitution and powers of the Parliamentary Standing Committee on Public Works.

Items 23, 24 Section 6A

23.1 Subsection 6A(2) exempts certain commonwealth bodies from the remit of the PWCA. Items 23 and 24 are consequential technical amendments to the text arising from the repeal of the AMC Act. These amendments remove references to AMC from the text of PWCA.

Remuneration Tribunals Act 1973 (RTA)

25.0 The RTA sets up a tribunal and provides the tribunal with the power to determine a range of allowances and entitlements for holders of public offices

Items 25 Subsection 3(1)

Item 25 Subsection 3(1)

25.1 Item 25 is a consequential amendment to the text of the RTA arising from repeal of the AMC Act. Section 3 of the RTA is the interpretation section which includes a reference to the AMC in relation to the definition of Executive education office in subsection 3(1).

Item 26 Subsection 5(2)

25.2 Item 26 is another amendment to the text of the RTA arising from the repeal of the AMC Act. Section 5 of the RTA prescribes the function of the tribunal which includes, in subsection 5(2), a reference to the AMC. This item removes the reference to the AMC from this provision.

SCHEDULE 2 INFORMATION SHARING BY AMSA

Australian Maritime Safety Authority Act (1990) (the AMSA Act)

Schedule 2 amends the AMSA Act. It has a single item.

Item 1 New section 11 Disclosure of Information

1.0 Item 1 of this Schedule inserts a new section 11 in the AMSA Act after section 10. The new section clarifies AMSA's powers in relation to disclosure of information in possession of AMSA.

1.1 The proposed subsection 11(1) defines the types and kinds of information to which this section applies. The provision includes information in possession of AMSA obtained from any source at any time and by any means, including information required to be provided to AMSA by law. .

1.2 The new subsection 11(2) gives AMSA the powers to disclose the information to any person, subject to terms and conditions specified by AMSA for any of the purposes listed in this subsection. The new section will provide express authority for AMSA to release information for the specific purposes of maritime domain awareness (including maritime security), maritime safety, protection of the marine environment and efficiency of maritime transportation, and information will only be released for these purposes.

1.3 In this context "efficient transport" is a term intended largely to address private sector uses, as well as uses by governments to improve the efficiency of transport operations. Examples of how an agency might use information for transport efficiency purposes could include, for example (i) through input into infrastructure planning and development such as navigation aids or port facilities, siting of other marine uses against shipping lanes such as aquaculture or oil facilities, (ii) ports and stevedores may want to track ships for advance warning to improve berth management/allocations, (iii) cargo owners may want to know where ships carrying their cargoes are to assist in logistics chain planning and scheduling, (iv) coastal pilot service providers could track ships to ensure the availability of sufficient pilots to meet demand, especially in remote areas such as Torres Strait or the far north of the GBR Marine Park.

1.4 AMSA's information sharing will be governed by specified internal procedures that will be subject to audit processes. In relation to the future sharing of information with third parties, AMSA intends having-agreements with these parties specifying the conditions on which information is released and how it is handled in relation to the requirements of the *Privacy Act 1988*, including an AMSA audit function.